UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,248	10/11/2001	Chakkalamattam Jos Paul	AUS920010248US1	9548

35525	7590	05/17/2005		

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EXAMINER
YANCHUS III, PAUL B

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/975,248	PAUL ET AL.
	Examiner	**Art Unit**	
	Paul B. Yanchus	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 March 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This non-final office action is in response to communications filed on 3/1/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-11, 15-20 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated

by Bizzarri, US Patent no. 5,732,268.

Regarding claims 1 and 8, Bizzarri discloses a computing system aiding in the operation

diagnostic and maintenance functions of remote computing devices, the system comprising:

a plurality of remote computing devices coupled to a network, wherein each said remote

computing device runs under a respective first boot image [column 5, lines 10-20 and lines 45-

47];

a process initiator, coupled to a user interface, that allows for the selection of a particular

remote computing device [column 6, lines 43-59];

a download director that controls a download of a maintenance boot image [slave kernel]

to the particular remote computing device via a network [column 7, lines 8-14];

a reboot director connected to initiate a reboot process of the particular remote computing

device [column 7, lines 15-20];

wherein said process initiator, said download director, and said reboot director are connected such that, upon initiation by said process initiator, said download director downloads a temporary boot image [slave kernel, column 7, lines 8-14] to the particular remote computing device and said reboot director causes the particular remote computing device to reboot using said temporary boot image [column 7, lines 15-20], then upon completion of a given task [diagnostic programs, column 7, lines 38-40], said download director downloads said respective first boot image to the particular remote computing device [restoration of files on local media, column 7, lines 50-60] and said reboot director causes the particular remote computing device to reboot using said first boot image [column 10, lines 1-16].

Regarding claim 2, Bizzarri further discloses that the process initiator initiates a diagnosis and repair mode of operation on the particular remote computer device [column 6, lines 55-58].

Regarding claims 6 and 7, Bizzarri discloses an interface on the diagnostic computer that emulates the screen of the particular remote computer device [column 7, lines 25-30]. Therefore, the user at the diagnostic computer would be able to use the interface to determine when the diagnostics and repairs are completed.

Regarding claim 9, Bizzarri further discloses receiving an indication of a computer in need of repair and notifying the user at the diagnostic computer which computer is in need of repair [column 6, lines 43-59].

Regarding claim 10, Bizzarri discloses a method for diagnosing and maintaining remote computing devices the remote computing device coupled to a network and running under a first boot image, the method comprising:

selecting a particular remote computing device [column 6, lines 43-59];

downloading a maintenance boot image [slave kernel] to the particular remote computing

device via the network [column 7, lines 8-14];

initiating a first reboot process of the particular remote computing device with the

maintenance boot image [column 7, lines 15-20];

performing a diagnostic or maintenance function by running the particular remote

computing device under the maintenance boot image [diagnostic programs, column 7, lines 38-

40]; and

initiating a second reboot process of the particular remote computing device upon the

occurrence of a predetermined event associated with the maintenance boot image [column 10,

lines 1-16].

Regarding claim 11, Bizzarri further discloses downloading a copy of said first boot

image prior to said second reboot process [restoration of files on local media, column 7, lines 50-

60].

Regarding claims 15 and 16, Bizzarri discloses an interface on the diagnostic computer

that emulates the screen of the particular remote computer device [column 7, lines 25-30].

Therefore, the user at the diagnostic computer would be able to use the interface to determine

when the diagnostics and repairs are completed.

Regarding claims 17 and 18, Bizzarri discloses that the diagnostic and repair method may

be performed by a human or an automatic software [column 5, lines 21-28].

Regarding claim 19, Bizzarri discloses a computer program product in a computer usable

medium for diagnosing and maintaining remote computing devices, the remote computing device

coupled to a network and running under a first boot image, the method comprising:

instructions for selecting a particular remote computing device [column 6, lines 43-59];

instructions for downloading a maintenance [slave kernel] boot the particular remote computing device via the image to network [column 7, lines 8-14];

instructions for initiating a first reboot process of the particular remote computing device with the maintenance boot image [column 7, lines 15-20];

instructions for performing a diagnostic or maintenance function by running the particular remote computing device under the maintenance boot image [diagnostic programs, column 7, lines 38-40]; and

instructions for initiating a second reboot process of the particular remote computing device upon the occurrence of a predetermined event associated with the maintenance boot image [column 10, lines 1-16].

Regarding claim 20, Bizzarri further discloses downloading a copy of said first boot image prior to said second reboot process [restoration of files on local media, column 7, lines 50-60].

Regarding claims 24 and 25, Bizzarri discloses an interface on the diagnostic computer that emulates the screen of the particular remote computer device [column 7, lines 25-30]. Therefore, the user at the diagnostic computer would be able to use the interface to determine when the diagnostics and repairs are completed.

Regarding claims 26 and 27, Bizzarri discloses that the diagnostic and repair method may be performed by a human or an automatic software [column 5, lines 21-28].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-5, 12-14 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bizzarri, US Patent no. 5,732,268.

Regarding claims 2-4, 12-13 and 21-22, Bizzarri does not explicitly disclose

downloading a particular boot image selected from a plurality of boot images, which perform

different tasks. Bizzarri instead discloses downloading a single boot image capable of

performing a plurality of tasks. It would have been obvious to one of ordinary skill in the art to

modify the Bizzarri system to download a boot image, which performs only a specifically

desired task, selected from a plurality of boot images instead of a single boot image which

performs a plurality of tasks in order to reduce the size of the boot image and consequently

reducing the time required to download the boot image and shortening the downtime of the

remote computer device.

Regarding claims 5, 14 and 23, Bizzarri does not explicitly disclose storing boot images

on a remote storage media. However, storing software on remote storage media is well known in

the art and it would have been obvious to one of ordinary skill in the art to use remote storage

media to store the boot image.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nouri et al., US Patent no. 6,330,690, discloses a GUI for selecting a particular remote computer to be monitored or restarted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul B. Yanchus whose telephone number is (571) 272-3678. The examiner can normally be reached on Mon-Thurs 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Yanchus
May 12, 2005

REHANA PERVEEN
PRIMARY EXAMINER